

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS ST., SUITE 1100

BOSTON, MA 02114-2023

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

March 28, 2003

Olin Corporation
c/o: Mr. Donald W. Griffin, Chairman
501 Merritt Seven
Norwalk, CT 06856-4500

Re: Request for Information Pursuant to Section 104 of CERCLA for Industri-Plex Superfund Site/Wells G & H Superfund Site, and associated Halls Brook Holding Area and Aberjona River Study

Dear Mr. Griffin:

This letter seeks your cooperation in providing information and documents relating to the environmental conditions at/from, and cleanup of, the Industri-Plex Superfund and Wells G & H Superfund Sites in Woburn, Massachusetts (the "sites").

The United States Environmental Protection Agency (EPA) is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the sites, more particularly, such releases and threatened releases into the Aberjona River, which runs through both sites and ultimately discharges into the Mystic Lakes. Please find attached EPA's Spring 2002 Aberjona River Fact Sheet which further explains the investigation along the river. This investigation includes an inquiry into the identification, nature, source, and quantity of materials generated, treated, stored, or disposed of in the vicinity of the river.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within 30 days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to twenty-seven thousand five hundred dollars (\$27,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive will be treated as

complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Ms. Martha Bosworth
Office of Site Remediation & Restoration
1 Congress Street, Suite 1100 (mail code: HBS)
Boston, MA 02114-2023

If you have general questions concerning the Information Request, please contact Martha Bosworth at (617) 918-1407. If you have any specific questions regarding the Sites or the Aberjona River Study, please contact Joseph LeMay, Remedial Project Manager, at (617) 918-1323. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact John Beling, Enforcement Counsel, U.S. Environmental Protection Agency, Region 1 Office of Environmental Stewardship, 1 Congress Street (SES), Boston, MA 02114-2023, or at (617) 918-1712.

Due to the seriousness of the problem at the sites and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Carol Tucker, Chief
Massachusetts Superfund Section
Office of Site Remediation and Restoration

Enclosure

cc. John Beling, EPA Office of Environmental Stewardship
Joseph LeMay, EPA Remedial Project Manager
Martha Bosworth, EPA Search and Cost Recovery
Patti Ludwig, EPA CERCLIS Coordinator (w/o enclosures)
David Buckley/Anna Mayor, MA DEP Remedial Project Manager
Andrew Cohen, MA DEP Office of Regional Counsel

INFORMATION REQUEST FOR
INDUSTRI-PLEX SUPERFUND SITE/ WELLS G&H SUPERFUND SITE AND
ASSOCIATED HALLS BROOK HOLDING AREA AND ABERJONA RIVER STUDY

* Period Being Investigated: 1845 to Present

*

In addition to the questions which follow, this enclosure includes a declaration, detailed instructions for responding to this request, and definitions of words such as "Respondent," "identify," "waste," and "asset" used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

INFORMATION REQUEST QUESTIONS

1. General Information About Respondent

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address;
 - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, and FAX number.
- d. State the dates during which Respondent conducted business at Olin Corporation, 51 Eames Street, Wilmington, MA 01887.
- e. Describe the nature of Respondent's current business at this location, including but not limited to a brief description of the major products or services Respondent manufactures or provides.
- f. Describe the nature of the Respondent's business at this location during the period being investigated.
- g. Identify all surveys, studies, reports or collections of data in Respondent's possession about its waste disposal/recycling practices or about the presence of any wastes at Olin Corporation, 51 Eames Street, Wilmington, MA 01887.
- h. Provide a copy of the information submitted by Respondent for such survey or study.
- i. Provide a copy of the resulting survey, study, or collection of data.

2. Respondent's Legal and Financial Status

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. State the number of Respondent's current employees.
- b. State the annual average number of persons employed by Respondent for every five year period during the period being investigated.
- c. If the Respondent has ever done business under any other name;
 - i. list each such name; and
 - ii. list the dates during which such name was used by Respondent.
- d. If Respondent is a corporation, provide:
 - i. the date of incorporation;
 - ii. state of incorporation;
 - iii. agent for service of process;
 - iv. the names of current officers;
 - v. the names of current directors;
 - vi. the names of current shareholders owning more than 5% of Respondent's stock;
 - vii. the names of all officers during the period being investigated;
 - viii. the names of all directors during the period being investigated; and
 - ix. the names of all shareholders owning more than 5% of the Respondent's stock at any time during the period being investigated;
 - x. a copy of the Articles of Incorporation(s).
- e. If Respondent is a partnership, provide:
 - i. the names and addresses of all current partners;
 - ii. the names of all partners in the period being investigated; and
 - iii. the type of partnership (i.e. general, limited).
- f. If Respondent is a trust, provide:
 - i. the names and addresses of all current trustees;
 - ii. the names and addresses of all current beneficiaries;
 - iii. the names of all trustees during the period being investigated;
 - iv. the names of all beneficiaries during the period being investigated; and
 - v. a copy of the document which sets out the purpose of the trust and the duties and powers of the trustees (e.g. the declaration of trust or trust agreement).
- g. If Respondent is, or was at any time during the period being investigated, a subsidiary

of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the nature of each such corporate relationship, including but not limited to:

- i. a general statement of the nature of the relationship;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other entity; and
 - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities.
- h. Identify all of Respondent's predecessors-in-interest and provide a description of the relationship between Respondent and each of those predecessors-in-interest.
- i. If Respondent no longer exists as a legal entity because of dissolution provide:
 - i. a brief description of the nature and reason for dissolution;
 - ii. the date of dissolution;
 - iii. documents memorializing or indicating the dissolution of the entity; and
 - iv. a statement of how and to whom the entity's assets were distributed.
- j. If Respondent no longer exists as the same legal entity it was during the period being investigated because of transactions involving asset purchases or mergers, provide:
 - i. the titles and dates of the documents that embody the terms of such transactions (i.e., purchase agreements, merger and dissolution agreements, etc.);
 - ii. the identities of the seller, buyer, and any other parties to such transactions; and
 - iii. a brief statement describing the nature of the asset purchases or mergers.
- k. If Respondent is a governmental entity, provide:
 - i. the complete name of the entity and other governmental entities of which it is a part; and
 - ii. all notice and service of process requirements for Respondent.
- l. If Respondent has filed for bankruptcy, provide:
 - i. the U.S. Bankruptcy Court in which the petition was filed;
 - ii. the docket numbers of such petition;
 - iii. the date the bankruptcy petition was filed;
 - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
 - v. a brief description of the current status of the petition.

3. Information About Others

- a. If you have information concerning the past or present business operations or the source, content or quantity of materials placed/disposed at Olin Corporation, 51 Eames Street, Wilmington, MA 01887 which is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons, including persons currently or formerly employed by Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, Olin Corporation, 51 Eames Street, Wilmington, MA 01887.

4. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:
 - i. the names of all individuals consulted;
 - ii. the current job title and job description of each individual consulted;
 - iii. the job title and job description during the period being investigated of each individual consulted;
 - iv. whether each individual consulted is a current or past employee of Respondent;
 - v. the names of all divisions or offices of Respondent for which records were reviewed;
 - vi. the nature of all documents reviewed; and
 - vii. the locations where those documents reviewed were kept prior to review; and
 - viii. the location where those documents reviewed are currently kept.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of

_____ and that the foregoing is complete, true, and correct.
Respondent

Executed on _____, 20__

Signature

Type Name

Title [if any]

INFORMATION REQUEST INSTRUCTIONS

1. **Answer Every Question Completely.** You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. **Number Each Answer.** Number each answer with the number of the question to which it corresponds.
3. **Provide Information about the Period Being Investigated.** You are required to answer each question with respect to the period being investigated, unless the question specifically states otherwise. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. **Provide the Best Information Available.** You must provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. **Identify Sources of Answer.** For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. **Submit Documents with Labels Keyed to Question.** For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA. Failure to supplement your response within 30 days of discovering such responsive information may subject you to \$27,500 per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
8. **Complete the Enclosed Declaration.** You are required to complete the enclosed declaration

which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.

9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)

12. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.

13. Claims of Privilege. If you claim that any document responsive to this Information Request

is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

EPA CONTRACTOR LIST

<u>CONTRACTOR</u>	<u>CONTRACT NUMBER</u>
Arctic Slope Regional Corp.(ASRC) Aerospace Effective: 11/16/00	Contract No.: 68-W-01-002
Booz, Allen & Hamilton Effective: 10/05/00	Contract No.: GS09K99BHD0002
Joint Venture of Planners Collaborative, Inc. and Resource Application, Inc. Effective: 07/30/01	Contract No.: 68-R1-01-01
Techlaw, Inc. Effective: 01/28/99 Subcontractors: Blake Investigative Services Northbridge Environmental Management Consultants Watts Engineering Podziba & Associates	ZES Contract No.: 68-W-99-019

INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean the addressee of this Request, [add names of successors & parents if relevant] the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:
 - (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
 1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
 2. letter, correspondence, fax, telegram, telex, Email;
 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
 4. agreement, contract, and the like;
 5. log book, diary, calendar, desk pad, journal;
 6. bulletin, circular, form, pamphlet, statement;
 7. report, notice, analysis, notebook;
 8. graph or chart; or
 9. copy of any document.
 - (b) microfilm or other film record, photograph, or sound recording on any type of device;
 - (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and

2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and

(d) attachments to or enclosures with any document as well as any document referred to in any other document.

3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.

4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g. corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.

6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The terms "the period being investigated" and "the relevant time period" shall mean the period being investigated as specified on the first page of the Information Request Questions.

8. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

9. The term "asset" shall mean and include but not be limited to the following: cash, commodities, personal property, collectibles, real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations, and unincorporated companies, whether foreign or domestic, securities, patents, stocks, bonds, and other tangible as well as intangible property.

10. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.